

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

**Proposing rule making related to zoning of Mississippi River in Lansing
and providing an opportunity for public comment**

The Natural Resource Commission (Commission) hereby proposes to amend Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 462A.3, 462A.26(2) and 462A.32.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 462A.26 and 462A.32.

Purpose and Summary

Pursuant to Iowa Code section 17A.7, the Friends of Pool 9 petitioned the Commission to amend Chapter 40. Friends of Pool 9 represent businesses along the waterfront of the Mississippi River in Lansing, Iowa. Petitioners have indicated that the safety of patrons loading and unloading onto waterfront docks is put at risk by the wakes of passing boats rocking and jolting the docks. To remedy this, the Friends of Pool 9 requested that the Commission designate a no-wake zone located along a portion of Lansing marked by buoys and extending no more than 300 feet into the Mississippi River channel, starting 800 feet north of river mile marker 662.2 and proceeding to Lansing City Marina Dike. However, the no-wake zone does not apply to commercial barge traffic. The zone will be marked with permanent signage placed on the north and south shorelines, and no-wake buoys will be placed every 1,500 feet for the length of the no-wake zone. The Friends of Pool 9 will be responsible for the placement and maintenance of the buoys designating the no-wake zone.

The Commission supports this proposed change. The Commission agrees that a no-wake zone will ensure patron safety while they are loading and unloading at local businesses, which benefits Allamakee County’s tourism and local economy. The proposed change does not significantly affect general use of the river in this area, because the no-wake zone will not extend more than 300 feet into the Mississippi River channel and will not include commercial barge traffic.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. However, the City of Lansing is a large tourist community for the county and positively impacts the local economy. A copy of the jobs impact statement is available from the Department upon request.

Waivers

This rule is subject to the waiver provisions of 571—Chapter 11. Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on August 4, 2020. Comments should be directed to:

Susan Stocker
Iowa Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Fax: 515.725.8201
Email: susan.stocker@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held via conference call as follows. Persons who wish to attend the conference call should contact Susan Stocker. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Susan Stocker prior to the hearing to facilitate an orderly hearing.

August 4, 2020
1 to 2 p.m.

Video/conference call
Wallace State Office Building

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Adopt the following **new** rule 571—40.62(462A):

571—40.62(462A) Zoning of the Mississippi River, Lansing, Allamakee County.

40.62(1) All vessels, except commercial barge traffic, shall be operated at a speed not greater than 5 miles per hour within an area extending 300 feet from shore and beginning at a point 800 feet north of river mile marker 662.2 and proceeding to Lansing City Marina Dike.

40.62(2) The Friends of Pool 9 shall designate and maintain the 5-mile-per-hour speed zone with buoys approved by the natural resource commission.

This rule is intended to implement Iowa Code sections 462A.26 and 462A.32.